

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

CIVIL No. 08-4694 (JMR/AJB)

PETITIONER,

v.

**ORDER**

HALSTON C. KEARNEY,

RESPONDENT.

This matter is before the Court on a Report and Recommendation from Magistrate Judge Arthur J. Boylan dated February 25, 2009. There being no objections filed to Magistrate Judge Boylan's Report and Recommendation, **THE COURT HEREBY ORDERS** that:

- (1) The Petition to Determine Present Mental Condition of an Imprisoned Person Due for Release Under 18 U.S.C. § 4246 is **GRANTED**;
- (2) Respondent is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another or serious damage to property of another, and for the treatment of which he is in need of hospitalization in a suitable psychiatric facility;
- (3) Suitable arrangements for State custody and care of Respondent are presently unavailable;
- (4) Respondent is committed to the custody of the United States Attorney General; and
- (5) FMC Rochester or a similar Bureau of Prisons medical center is a suitable facility at which to treat Respondent's mental illness.

Dated: March 13, 2009

s/James M. Rosenbaum  
The Honorable James M. Rosenbaum  
United States District Court